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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

UNITED STATES OF AMERICA

3:12-CR-00645-HZ

v.

**GOVERNMENT'S SENTENCING
MEMORANDUM**

SERGEY YEFIMOVICH TURZHANSKIY,

Defendant.

**Sentencing: March 31, 2014,
at 3:00 p.m.**

The United States of America, by and through S. Amanda Marshall, United States Attorney for the District of Oregon, and Assistant United States Attorney Stephen F. Peifer, submits the following memorandum in support of the government's position on sentencing.

On Monday, March 31, 2014, defendant Sergey Yefimovich Turzhanskiy will be before the court for sentencing on his plea of guilty to possession of an unregistered destructive device. The government agrees with the guidelines calculations contained in the presentence report which result in an advisory guideline range of 37-46 months based on Total Offense Level 21 and Criminal History Category I. Pursuant to the joint recommendation of the parties contained in the plea agreement, the government asks the court to impose a 30-month sentence.

In order to make a political statement, defendant threw a Molotov cocktail at a Portland Police Bureau patrol vehicle parked in the North Precinct lot. Defendant had manufactured the device himself. To make it ignite, defendant threw the device twice before it struck the pavement, shattered, and caused a fire. The incident occurred at about 1:30 a.m. when officers were in the parking lot area during a shift change. At the time, defendant was sympathetic to anarchist ideology and obtained support from local and national anarchists upon his arrest on this charge.

Since this incident occurred on November 5, 2012, defendant has led a fully law-abiding life, has severed ties with anarchists, and no longer espouses extreme and violence-prone viewpoints. Because of this, the charge was reduced from the mandatory 60-month sentence for arson. Also, the government submits that defendant's post-offense rehabilitation and reformed conduct merit a seven-month reduction in the advisory guideline range to a 30-month prison sentence. This downward variance, anticipated under the plea agreement, is within the court's discretion and is fully consistent with the sentencing factors of 18 U.S.C. § 3553(a).

Because of the seriousness of the offense and the need for general deterrence against similar actions by other members of the public, the court should not impose a sentence less than the 30-month term mutually recommended by both parties.

The Portland Police Bureau reports that defendant has already paid full restitution in the amount of \$1,314.12 covering repair of the patrol car. Therefore, there is no need for a restitution order in the judgment. The government agrees with the Probation Office's recommendation of a three-year supervised release term with the special conditions listed in the

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presentence report, including a requirement that defendant have “no communication or contact with anarchist groups or affiliates.”

Dated this 26th day of March 2014.

Respectfully submitted,

S. AMANDA MARSHALL
United States Attorney

s/ Stephen F. Peifer
STEPHEN F. PEIFER, OSB #74252
Assistant United States Attorney